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MEMORANDUM

TO: Local Health Departments

FROM: Jayne Nosari, Retail Food Program Manager
Division of Food, Drugs and Dairies
Office of Health Protection

DATE: August 26, 2008

RE: Summary of Significant Amendments Adopted into Part 750 Food Service Sanitation Code on July 10, 2008

The underlined words below indicate changes to the Illinois Food Service Sanitation Code, IL Adm. Code 750.

NOTE: This memorandum does **not** include all amendments to the Illinois Food Service Sanitation Code that were adopted on July 10, 2008. Additional minor changes to content, language, punctuation and reference documents are not included in this summary.

The adopted amendments in their entirety may be viewed on line at:
http://www.idph.state.il.us/rulesregs/2008_Rules/Adopted/77_IAC_750_7-25.pdf

Section 750.10 Definitions

"Potentially hazardous food" means any food that requires time/temperature control for safety that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; growth and toxin production of *Clostridium botulinum*; or, in raw shell eggs, the growth of *Salmonella enteritidis*. "Potentially hazardous food" includes an animal food (a food of animal origin) that is raw or heat treated; a food of plant origin that is heat treated or consists of raw seed sprouts; cut tomatoes; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support the growth of infectious or toxigenic microorganisms. The term does not include foods that:

Have a pH level of 4.6 or below;

Have a water activity (a_w) value of 0.85 or less; or

Are a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution; or

Are eggs with shell intact that have been pasteurized to destroy all viable salmonellae.

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Section 750.110 Special Requirements

- l) Pasteurized shell eggs or egg products shall be substituted for raw eggs in the preparation of foods such as Caesar salad, hollandaise or bearnaise sauce, mayonnaise, meringue, eggnog, ice cream, and egg-fortified beverages that are:
 - 1) Not properly cooked to 145°F (63°C) or above for 15 seconds for shell eggs that are broken and prepared in response to a consumer's order and for immediate service;
 - 2) Not properly cooked to 155°F (68°C) or above for 15 seconds for shell eggs that are not prepared for immediate service; or
 - 3) Not included in a consumer advisory as described in subsection (k).

Section 750.150 Hot Storage

- b) The internal temperature of potentially hazardous food requiring hot storage shall be 135°F or above except during necessary periods of preparation or when time is used as the public health control as specified in Section 750.153. Potentially hazardous food to be transported shall be held at a temperature of 135° F or above unless maintained in accordance with Section 750.140(b).

Section 750.151 Ready-to-Eat Potentially Hazardous Food, Date Marking

- a) On-Premises Preparation (prepare and hold cold)
Except when packaging food using a reduced oxygen packaging method, and except as specified in subsections (d) and (e) of this Section, refrigerated, ready-to-eat potentially hazardous food prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, and maintained at 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1.
 - b) Commercially Processed Food (open and cold hold)
Except as specified in subsections (d)-(f) of this Section, refrigerated, ready-to-eat potentially hazardous food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a food establishment and, if the food is held for more than 24 hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combination specified in subsection (a) of this Section.
 - 1) The day the original container is opened in the food establishment shall be counted as Day 1.
 - 2) The day or date marked by the food establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.
 - c) A refrigerated, ready-to-eat potentially hazardous food ingredient or a portion of a refrigerated, ready-to-eat potentially hazardous food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.
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- d) A date-marking system that meets the criteria stated in subsections (a) and (b) of this Section may include:
- 1) Using a method approved by the regulatory authority for refrigerated, ready-to-eat potentially hazardous food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;
 - 2) Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (a) of this Section;
 - 3) Marking the date or day the original container is opened in a food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under subsection (b) of this Section; or
 - 4) Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the regulatory authority upon request.
- e) Subsections (a) and (b) of this Section do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.
- f) Subsection (b) of this Section does not apply to the following food prepared and packaged by a food processing plant inspected by a regulatory authority:
- 1) Deli salads, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, manufactured in accordance with 21 CFR 110: Current Good Manufacturing Practice in Manufacturing, Packaging, or Holding Human Food;
 - 2) Hard cheeses containing not more than 39% moisture as defined in 21 CFR 133: Cheeses and Related Cheese Products;
 - 3) Semi-soft cheeses containing more than 39% moisture, but not more than 50% moisture, as defined in 21 CFR 133: Cheeses and Related Cheese Products;
 - 4) Cultured dairy products as defined in 21 CFR 131: Milk and Cream;
 - 5) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 CFR 114: Acidified Foods;
 - 6) Shelf-stable, dry fermented sausages, such as pepperoni and Genoa salami that are not labeled "Keep Refrigerated" as specified in 9 CFR 317: Labeling, Marking Devices, and Containers; and
 - 7) Shelf-stable salt-cured products such as prosciutto and Parma (ham) that are not labeled "Keep Refrigerated" as specified in 9 CFR 317: Labeling, Marking Devices, and Containers.
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Section 750.152 Ready-to-Eat Potentially Hazardous Food, Disposition

A food specified in Section 750.151(a) or (b) shall be discarded if it:

- a) Exceeds the temperature and time combination specified in Section 750.151(a), except time that the product is frozen;
- b) Is in a container or package that does not bear a date or day; or
- c) Is appropriately marked with a date or day that exceeds a temperature and time combination as specified in Section 750.151(a).

Section 750.153 Time as a Public Health Control

- a) If time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:
 - 1) The food shall have an initial temperature of 41°F (5°C) or less if removed from cold holding temperature control, or 135°F (57°C) or greater if removed from hot holding temperature control;
 - 2) The food shall be marked or otherwise identified to indicate the time that is 4 hours past the point in time when the food is removed from temperature control;
 - 3) The food shall be cooked and served, served if ready to eat, or discarded within 4 hours from the point in time when the food is removed from temperature control;
 - 4) The food in unmarked containers or packages, or marked to exceed a 4 hour limit, shall be discarded; and
 - 5) Written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request. The procedures shall ensure compliance with this Section and Section 750.140(b) for food that is prepared, cooked, and refrigerated before time is used as a public health control.
- b) In a food establishment that serves a highly susceptible population, time only, rather than time in conjunction with temperature, shall not be used as the public health control for raw eggs.

Section 750.188 Plant Food Cooking for Hot Holding

Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 135°F (57°C).

Section 750.189 Microwave Cooking

Raw animal foods cooked in a microwave oven shall be:

- a) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

- b) Covered to retain surface moisture;
- c) Heated to a temperature of at least 165°F (74°C) in all parts of the food; and
- d) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

Section 750.208 Preparation for Immediate Service

Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

Section 750.210 Reheating for Hot Holding

- a) Except as specified under subsections (b), (c), (d) and (e), potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to at least 165°F or higher for 15 seconds throughout before being served or before being placed in a hot food storage facility. Steam tables, bain-maries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.
- b) Except as specified under subsection (c), potentially hazardous food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least 165° F (74° C) and the food is rotated or stirred, covered, and allowed to stand covered for 2 minutes after reheating.
- c) Ready-to-eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant, shall be heated to a temperature of at least 135°F (57°C) for hot holding.
- d) Reheating for hot holding shall be done rapidly, and the time during which the food is between 41°F and 165°F may not exceed 2 hours.
- e) Remaining unsliced portions of roasts of beef that are cooked as specified under Sections 750.186 and 750.187 may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under Sections 750.186 and 750.187.

Section 750.325 Special Requirements for Highly Susceptible Populations

In a food establishment that serves a highly susceptible population:

- a) The following criteria apply to juice:
 - 1) For the purposes of this subsection (a) only, children who are age 9 or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations;
 - 2) Packaged juice, or a packaged beverage containing juice, that has not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, may not be served or offered for sale.
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- b) Pasteurized eggs or egg products shall be substituted for raw eggs in the preparation of foods using raw or undercooked shell eggs.
- c) Time only, as the public health control specified under Section 750.153, may not be used for raw eggs.

Section 750.340 Public Health Protection

The regulatory authority shall apply this Part to promote its underlying purpose of safeguarding public health and ensuring that food is safe, unadulterated and honestly presented when offered to the consumer.

Section 750.350 Preventing Health Hazards, Provision for Conditions Not Addressed

- a) If necessary to protect against public health hazards or nuisances, the regulatory authority shall impose specific requirements in addition to the requirements contained in this Part that are referenced and incorporated in Section 750.5.
- b) The regulatory authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the permit applicant or permit holder, and a copy shall be maintained in the regulatory authority's file for the food establishment.

Section 750.360 Variances

The regulatory authority may grant a variance by modifying or waiving the requirements of this Part if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the variance. If a variance is granted, the regulatory authority, shall retain the information specified under Section 750.370 in its records for the food establishment.

Section 750.370 Justification for and Documentation of Proposed Variance

Before a variance from a requirement of this Part is approved, the information, which shall be provided by the person requesting the variance and retained in the regulatory authority's file on the food establishment, shall include:

- a) The requirement of this Part for which the variance is requested, citing relevant Section numbers; and
- b) An explanation of how the potential public health hazards and nuisances addressed by the relevant Sections of this Part will be alternatively addressed.

Section 750.510 General – Personal Cleanliness

- a) Food employees shall keep their hands and the exposed portions of their arms clean. Employees shall keep their fingernails clean and trimmed, filed, and maintained so that the edges and surfaces are cleanable and not rough. Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food.
- b) Food employees shall clean their hands and exposed portions of their arms for at least 20 seconds, using a cleaning compound.
- c) Food employees shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms:

- 1) Rinse under clean running warm water;
 - 2) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;
 - 3) Rub together vigorously for at least 20 seconds while:
 - A) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure; and
 - B) Creating friction on the surfaces of the hands and arms, fingertips, and areas between the fingers;
 - 4) Thoroughly rinse under clean running warm water; and
 - 5) Immediately follow the cleaning procedure with thorough drying, using a method specified under Section 750.1120(e).
- d) To avoid re-contaminating their hands, food employees shall use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a hand-washing sink or the handle of a restroom door.

Section 750.512 When to Wash Hands

Food employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation, including working with exposed food, clean equipment and utensils, and unwrapped single-service articles, and:

- a) After touching bare human body parts other than clean hands and clean exposed portion of arms;
- b) After using the toilet room;
- c) After caring for or handling service animals;
- d) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
- e) After handling soiled equipment or utensils;
- f) During food preparation, as often as is necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;
- g) When switching between working with raw food and working with ready-to-eat food;
- h) Before donning gloves for working with food; and
- i) After engaging in other activities that contaminate the hands.

Section 750.514 Where to Wash Hands

Food employees shall clean their hands in a hand-washing sink or approved automatic hand-washing

facility and may not clean their hands in a sink used for food preparation or ware washing, or in a service sink or a curbed cleaning facility used for disposing mop water and similar liquid waste.

Section 750.516 Hand Antiseptics

- a) A hand antiseptic used as a topical application, a hand antiseptic solution used as a hand dip, or a hand antiseptic soap shall:
 - 1) Comply with one of the following:
 - A) Be an approved drug that is listed in "Approved Drug Products with Therapeutic Equivalence Evaluations" as an approved drug based on safety and effectiveness; or
 - B) Have active antimicrobial ingredients that are listed in OTC Health-Care Antiseptic Drug Products as an antiseptic handwash; and
 - 2) Comply with one of the following:
 - A) Have components that are exempted from the requirement of being listed in federal food additive regulations as specified in 21 CFR 170.39 – Threshold of regulation for substances used in food-contact articles; or
 - B) Comply with and be listed in:
 - i) 21 CFR 178 – Indirect Food Additives: Adjuvants, Production Aides, and Sanitizers (as regulated for use as a food additive with conditions of safe use); or
 - ii) 21 CFR 182 – Substances Generally Recognized as Safe, 21 CFR 184 – Direct Food Substances Affirmed as Generally Recognized as Safe, or 21 CFR 186 – Indirect Food Substances Affirmed as Generally Recognized as Safe (for use in contact with food); and
 - 3) Be applied only to hands that are cleaned as specified under Section 750.510.
- b) If a hand antiseptic or a hand antiseptic solution used as a hand dip does not meet the criteria specified under subsection (a)(2), use shall be:
 - 1) Followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or
 - 2) Limited to situations that involve no direct hand contact with food by the bare hands.

Section 750.520 General – Clothing

- a) The outer clothing of all employees shall be clean.

- b) Employees shall use effective hair restraints (such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair) that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.

Section 750.530 General – Employee Practices

- b) A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:
 - 1) The employee's hands;
 - 2) The container; and
 - 3) Exposed food; clean equipment, utensils and linens; and unwrapped single-service and single-use articles.
- f) Food employees shall not wear jewelry on their arms and hands while preparing food, except for a plain ring such as a wedding band or medical information jewelry.